Remarks:

A. The examiner rejected Claim 4-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that in claim 4 the phrase "is capable of" is vague and ambiguous. Similarly in claim 5 the phrase "being operative for" is vague and ambiguous. The Examiner stated that corrections were required. In claims 5-8, the Examiner stated that it is not clear if the term "system" refers to a "method" or an "apparatus". He stated that clarification was required.

Applicant amended Claim 4 to include the text of Claim 1 instead of just referring to Claim 1. Applicant submits that Claim 4 does comply with 35 U.S.C. 112, second paragraph and request that the examiner withdraw this rejection. It is believed that this claim amendment does not add new matter to this application.

Applicant amended Claim 5 line 9 to delete "being operative". Applicant submits that Claim 5 does comply with 35 U.S.C. 112, second paragraph and requests that the examiner withdraw this rejection. It is believed that this claim amendment does not add new matter to this application.

In Claims 5-8 "system" refers to an apparatus. The elements of the system are: "an input device", "a memory", "an automated data processor", and "an output device" which are all structural parts. If it were a method claim the elements would be acts or manipulative steps that are performed upon an article, workpiece, or chemical substance. Applicant submits that Claims 5-8 do comply with 35 U.S.C. 112, second paragraph and requests that the examiner withdraw this rejection. It is believed that this does not add new matter to this application.

B. Claim Rejections - 35 USC § 103: Claim Rejections - 35 USC § 103: Claims 1 and 3-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kane (US Patent 6,317,728 B1) in view of Gutterman et al (US Patent 5,297,031).

The examiner stated that with reference to claims 1, 4 and 5, Kane teaches a method and system for providing downside protection of stock market investments for managing an investment portfolio by an automated data processing system having a memory with an input device connected with the automated data processing system, the method comprising the steps of entering a name of a security into the automated data

processing system through the input device (See Kane Column 1 lines 4-14); storing the
name of the security in the memory (See Kane Column 1 lines 4-14); entering a buy
price of the security into the automated data processing system through the input
device (See Kane Column 1 lines 4-14); storing the buy price of the security in the
memory as the high value (See Kane Column 1 lines 4-14); linking the automated data
processing system by a data link to current stock information (See Kane Column 2 lines
31-34); reading a market price of the security from the current stock information (See
Kane Column 2 lines 31-34); comparing the market price of the security to the high
value (See Kane Column 2 lines 31-34); comparing the sell threshold price to the
market price, and executing a sell event when the market price is below the sell
threshold price (See Kane Column 2 lines 31-34) and repeating the linking steps until
the sell event occurs (See Kane Column 2 lines 46-50). A computer-readable medium
having imprinted therein a computer program containing instruction steps such that
upon installation of the computer program in a general-purpose computer for
performing the method above is inherent in the disclosure of Kane.

The Examiner refers to Kane Column 1 lines 4-14; Column 2 lines 31-34; and Column 2

lines 46-50. In order to fully understand these references in the context of the reference,

Kane Column 1 lines 4-17 and Kane Column 2 lines 28-50 are quoted below with emphasis

added by Applicant.

Kane Column 1 lines 4-17 states:

> The invention relates to a securities (the term "securities" is in the following to be
> understood to include "securities and/or commodities") and/or commodities trading
> system that includes a *computer arrangement communicating with a securities
> exchange,* and *has inputs for receiving buy and sell data.* The computer arrangement is
> *capable of evaluating the buy/sell data and issuing buy/sell orders in accordance with
> a plurality of buy/sell rules. i.e. "agents," stored in the system.* A feedback arrangement
> monitors the success and failure of the respective buy/sell agents and assigns rating
> powers, i.e. weightings, to the buy/sell agents in order to implement a learning process
> for gradually improving the system performance based on past and continuously
> accumulating experience of the agents.

This Kane reference defines "securities" and briefly explains the data processing involved in

Kane's solution. Kane teaches artificial intelligence provided by decision agents as stated in

the Kane Abstract. Kane Column 1 lines 4-17 does not allude to downside protection, but

describes how the Kane solution only offers an evaluating and issuing functionality based on

a set of (i.e., more than one) user-defined business rule ("agents"). The Kane solution can

then be used to track agents performance while at the same time continue to execute existing

strategies. Storing the name of the security and its buy price may be alluded to within Kane,

Column 1, lines 4-14; however, storing the buy price of the security as the high value should

not be assumed from this section.

Kane Column 2 lines 28-50 states:

> More importantly, brokerage firms do not let one place sell and stop orders on the same
> shares. That is to say, *one can either try to protect oneself with stop loss orders, or one
> can try to profit with sell orders, but one cannot do both.* The system effectively lets
> one do both by monitoring stocks continuously.
> The system enables a person to make money while on vacation. It does the drudge work
> of monitoring the market. It may be arranged to send alphanumeric trade reports to a
> user by cellular phone or pager.
> Use of margin can increase one's earning power. With margin the system may deliver a
> return each month. But margin costs money. It is a loan against one's current stock
> holdings, allowing one to buy more stock. If one holds the stock for days, weeks or
> months, one pays margin interest even if the stock price loses ground. By actively
> trading, one incurs a fraction of the margin costs, and may not incur any at all, since
> one is borrowing and returning the same day.
> The system will also let one hold stocks with pre-set buy, sell and dump prices,
> allowing one to automate transactions, get pager notifications and view continuously
> updated prices while supporting existing strategies.

Kane, Column 2, lines 31-34 only states that the Kane solution will provide stop loss orders

to prevent dilution (downside) and sell orders for profit opportunities (upside); and states,

"The system enables a person to make money while investors are on vacation." This

reference does not specify 'how.' Instead this reference only teaches using a plurality of

buy/sell rules "agents" stored in the system. The Examiner's statements regarding Kane

teaching: 1) linking the automated data processing system by a data link to current stock

information (See Kane Column 2 lines 31-34); 2) reading a market price of the security from

the current stock information (See Kane Column 2 lines 31-34); 3) comparing the market

price of the security to the high value (See Kane Column 2 lines 31-34); 4) comparing the

sell threshold price to the market price, and 5) executing a sell event when the market price is

below the sell threshold price (See Kane Column 2 lines 31-34) are not well taken. The

Applicant believes the steps of comparing the market price of the security to the high value

(See Kane Column 2 lines 31-34); comparing the sell threshold price to the market price, and

executing a sell event when the market price is below the sell threshold price (See Kane

Column 2 lines 31-34) are not stated or specified in the reference. The disclosure does not

teach these steps. The assumption that this reference implies these steps is not believed by

the Applicant to be obvious to one having ordinary skill in the art at the time the invention

was made. Therefore the Applicant request that the examiner provide an affidavit or

declaration setting forth specific factual statements and explanation to support the finding as

per 37 CFR 1.104(d)(2).

**The Examiner further stated that Kane does not explicitly teach a trailing stop loss
order processing which includes the steps of entering a stop loss percentage for the
security into the automated data processing system through the input device, storing
the stop loss percentage for the security in the memory, when the market price of the
security exceeds the high value, setting the high value equal to the market price of the
security to generate a new high value, storing the new high value for the security in
memory as the high value, multiplying the stop loss percentage by the high value and
subtracting the resulting product from the high value to generate a sell threshold price,
and repeating the steps of setting new high value through generating a sell threshold
price till the sell event occurs.**

**The Examiner stated that Gutterman teaches a trailing stop loss order which includes
the steps of entering a stop loss percentage for the security into the automated data
processing system through the input device, storing the stop loss percentage for the
security in the memory, when the market price of the security exceeds the high value,
setting the high value equal to the market price of the security to generate a new high
value, storing the new high value for the security in memory as the high value,
multiplying the stop loss percentage by the high value and subtracting the resulting
product from the high value to generate a sell threshold price, and repeating the steps
of setting new high value through generating a sell threshold price till the sell event
occurs (See Gutterman Column 4 lines 1-5).**

**The Examiner also stated that both Kane and Gutterman are concerned with managing
trading of securities for customers. It would have been obvious to one with ordinary
skill in the art at the time of the current invention to include the teaching of Gutterman
to the invention of Kane. The combination of the disclosures taken as a whole suggests
that customers would have benefited from being able to gain as much as possible from a
major move upward move while making certain that they can probably lose back only a
little of the gain.**

The Examiner refers to Gutterman Column 4 lines 1-5. In order to better understand these

references in the context of the reference, Gutterman Column 3 line 62- Column 4 line 13

are quoted below with emphasis added by Applicant.

Gutterman Column 3 line 62- Column 4 line 13 states:

>   A "sell stop order" instructs a broker to execute an order when the price falls to a given
>   level, at which point it is to be executed at the market price. Unlike a typical "sell limit
>   order", the sell stop order is below the current market price and may be executed at a

price at, above, or below the specified stop price when it is elected.

Some customers will raise their stop prices as the market price advances in an effort to gain as much as possible from a major move, while making certain that they can probably lose back only a little of the gain. Such an order is frequently called a "trailing stop".

A somewhat more complex order is the "stop limit order". The customer might instruct his broker not to buy sugar until it rises to 5.53 cents per pound and not to pay more than 5.55 cents. This is unlike the unlimited stop, which becomes a market order when the stop price has been touched. The limit price may be the same or different from the specified stop.

The Examiner stated that Gutterman teaches a trailing stop loss order which includes 1) the steps of entering a stop loss percentage for the security into the automated data processing system through the input device, 2) storing the stop loss percentage for the security in the memory, 3) when the market price of the security exceeds the high value, setting the high value equal to the market price of the security to generate a new high value, 4) storing the new high value for the security in memory as the high value, 5) multiplying the stop loss percentage by the high value and subtracting the resulting product from the high value to generate a sell threshold price, and 6) repeating the steps of setting new high value through generating a sell threshold price till the sell event occurs. However, 1) the steps of entering a stop loss percentage for the security into the automated data processing system through the input device, 2) storing the stop loss percentage for the security in the memory, 3) when the market price of the security exceeds the high value, setting the high value equal to the market price of the security to generate a new high value, 4) storing the new high value for the security in memory as the high value, 5) multiplying the stop loss percentage by the high value and subtracting the resulting product from the high value to generate a sell threshold price, and 6) repeating the steps of setting new high value through generating a sell threshold price till the sell event occurs are not taught in Gutterman. Gutterman's customer must monitor the stock, decide when to raise the stop price, and determine the amount to raise the stop price and ask a stock broker to sell the stock at a higher value when the stock is valued at a higher level. This is very different than the novelty present invention that automatically monitors the value of the stock, and based on the customer entered stop loss percentage, the present invention continually adjusts the value of the sell threshold price to take advantage of gains in the market. Gutterman does not teach explicitly nor implicitly the use of a

percentage to adjust the sell price of a stock as the stock price is rising. MPEP 2142 states

that to establish a prima facie case of obviousness, three basic criteria must be met. First,

there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the

claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, and not based on

Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The

mere fact that references can be combined or modified does not render the resultant

combination obvious unless the prior art also suggests the desirability of the combination. *In*

re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). There is no suggestion in Kane or

Gutterman to use the stop loss percentage; nor the steps of <u>entering a stop loss percentage for</u>

<u>the security</u> into the automated data processing system through the input device, <u>storing the</u>

<u>stop loss percentage for the security</u> in the memory, <u>when the market price of the security</u>

<u>exceeds the high value, setting the high value equal to the market price of the security to</u>

<u>generate a new high value, storing the new high value for the security in memory as the high</u>

<u>value, multiplying the stop loss percentage by the high value and subtracting the resulting</u>

<u>product from the high value to generate a sell threshold price,</u> nor <u>repeating</u> the steps of

setting new high value through generating a sell threshold price till the sell event occurs; nor

as to the desirability of the combination. Even the combination of Kane and Gutterman do

not teach the steps of <u>entering a stop loss percentage for the security</u> into the automated data

processing system through the input device, <u>storing the stop loss percentage for the security</u>

in the memory, <u>when the market price of the security exceeds the high value, setting the high</u>

<u>value equal to the market price of the security to generate a new high value, storing the new</u>

<u>high value for the security in memory as the high value, multiplying the stop loss percentage</u>

<u>by the high value and subtracting the resulting product from the high value to generate a sell</u>

<u>threshold price,</u> nor <u>repeating</u> the steps of setting new high value through generating a sell

threshold price till the sell event occurs.

In addition, Kane, Column 2, lines 46-50 only say that the solution will allow automatic transactions and will proactively submit pager notifications while continuing to support other strategies. It does not insinuate that the previously arbitrary steps are repeating.

Further, Kane does not describe the present invention as noted by the following example:

	Buy Price (High Value)	Stop Loss (%)
DAY 1	50	10

Therefore, if the market price hits 45 then sell, else if it closes at a market price of 60, then;

	(High Value) once was Buy Price	Stop Loss (%)
DAY 2	60	10

Therefore, now sell if market price hits 54.

Kane does not do this, nor does Kane in view of Gutterman. However, this is a novelty of the present invention.

The Examiner states that Gutterman's solution does that which has just been illustrated. However, the reference (Gutterman, Column 4, Lines 1-5) only defines a "trailing stop loss" as basically increasing the upside opportunity by resetting stop prices as market price advances; while at the same time, decreasing the downside probability. The Examiner, in his explanation, assumes that these steps are inherently followed as precisely as he has written. One cannot make this assumption from the reference provided. The assumption that this reference implies this is not believed by the Applicant to be obvious to one having ordinary skill in the art at the time the invention was made. Therefore the Applicant request that the examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding as per 37 CFR 1.104(d)(2). The present invention application was filed over four years ago in a fast moving technology field with many changes since the filing. The Applicant further requests that this evidence take into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure nor be based on reconstruction at the time using improper hindsight reasoning.

Application Number: 09/774,147
Amendment Dated 6/24/2005
Reply to Office Action of March 25, 2005

The Examiner stated that with reference to claim 3, Kane teaches the step wherein the sell event further includes printing a summary of the sell information (See Kane Column 2 lines 46-50).

Kane, Column 2, Lines 46-50 does insinuate (but not stated) that sell events are automated (e.g., "automate transactions"). Printing of anything is not mentioned in this reference.

The Examiner further stated that with reference to claims 6 and 7, Kane teaches the means for automatically selling the security when the sell event occurs (See Kane Column 2 lines 46-50) and a data link connected to provide current stock information for entering the current market price (See Kane Column 1 lines 4-24 and Column 2 lines 30-50).

From Kane, Column 1, Lines 4-24 and Kane, Column 2, Lines 30-50: One can allude that there is a data link that provides current stock information from references such as, "securities in real-time" and "Intra-day trading targeted"). However, as stated by Applicant above, a novelty of the present invention is comparing the market price of the security to the high value; comparing the sell threshold price to the market price; executing a sell event when the market price is below the sell threshold price as well as entering a stop loss percentage for the security into the automated data processing system through the input device; storing the stop loss percentage for the security in the memory; when the market price of the security exceeds the high value, setting the high value equal to the market price of the security to generate a new high value; storing the new high value for the security in memory as the high value; multiplying the stop loss percentage by the high value and subtracting the resulting product from the high value to generate a sell threshold price; and repeating the steps of setting new high value through generating a sell threshold price until the sell event occurs. The steps in dependent claims 6 and 7 are additional beneficial features.

There is no justification, in Kane and Gutterman, or in any other prior art separate from Applicants' disclosure, which suggests that these references be combined, much less be combined in the manner proposed. Kane teaches the use of artificial intelligence to sell and buy securities and the present invention teaches the novel steps listed above. Even if Kane and Gutterman were to be combined in the manner proposed, the proposed combination would not show all the novel physical features of Claims 1 and 3 through 7. Neither Kane nor Kane in view of Gutterman should be used here as a basis for an obvious rejection of

Claim 1 and 3 through 7. Therefore, Applicant submits that Claims 1 and 3 through 7 are allowable over Kane in view of Gutterman and solicits reconsideration and allowance.

C. The examiner rejected Claims 2 and 8 under 35 U.S.C. 103(a) as being unpatentable over Kane (US Patent 6,317,728 B1) in view of Gutterman et al (US Patent 5,297,031) and further in view of Reference U. The Examiner stated that Kane and Gutterman teach a method and system of claims 1 and 5 as discussed above including the steps of entering a maximum stop loss amount into the automated data processing system through the input device, the maximum stop loss amount representing a maximum amount for the security to decrease from the high value at which point the security should be sold and storing the maximum stop loss amount in the memory (See Kane Column 2 lines 30-50 and Gutterman Column 4 lines 1-5). The Examiner further stated that Kane and Gutterman do not explicitly teach the step of comparing the stop loss percentage multiplied by the high value to the maximum stop loss amount, and when the stop loss percentage multiplied by the high value exceeds the maximum stop loss amount, the maximum stop loss amount is used to generate the sell threshold price. The Examiner also stated that Reference U teaches the step of setting a limit on the maximum possible loss without setting a limit on the maximum possible gain for an investor (See Reference U). This step is interpreted to include the step of comparing the stop loss percentage multiplied by the high value to the maximum stop loss amount, and when the stop loss percentage multiplied by the high value exceeds the maximum stop loss amount, the maximum stop loss amount is used to generate the sell threshold price. The Examiner stated that Kane, Gutterman and Reference U are concerned with managing trading of securities for customers. It would have been obvious to one with ordinary skill in the art at the time of the current invention to include the disclosures of Reference U and Gutterman to the invention of Kane. The combination of the disclosures taken as a whole suggests that customers would have benefited from being able to gain as much as possible from a major move upward move while making certain that they can probably lose back only a little of the gain.

Kane and Gutterman do the following:

High Value   Maximum Stop Loss Amount
50   45

Therefore, the Maximum Stop Loss Amount, or dump price as Kane refers to, is stored in memory and a sell is triggered if the market price hits the Maximum Stop Loss Amount. This example is only a stop loss example; not a "trailing stop" example as briefly mentioned in Gutterman, Column 4, lines 1-5. Kane, Column 2, lines 30-50 only mention that the Kane solution can protect with stop loss orders and profit with sell orders. It then discusses how margin orders cost money. The Examiner implies the example given above.

The Examiner stated that Kane and Gutterman do not explicitly teach the step of comparing

the stop loss percentage multiplied by the high value to the maximum stop loss amount, and

when the stop loss percentage multiplied by the high value exceeds the maximum stop loss

amount, the maximum stop loss amount is used to generate the sell threshold price.

Reference U states: trailing stop loss

> A complex stop-loss order in which the stop loss price is set at some fixed percentage
> below the market price. If the market price rises, the stop loss price rises
> proportionately, but if the stock price falls, the stop loss price doesn't change. This
> technique allows an investor to set a limit on the maximum possible loss without setting
> a limit on the maximum possible gain, and without requiring paying attention to the
> investment on an ongoing basis.

Applicant notes that the date applied to this reference is March 3, 2005. The date of the

screen shot when it was printed off the internet. The Applicant filed the present invention

January 30, 2001. This reference, as noted, is not relevant to the present invention.

In addition, Kane and Gutterman and Reference U do not do the following:

High Value	Stop Loss (%)	Maximum Stop Loss Amount
50	10	45

Therefore, the Maximum Stop Loss Amount is used to generate the sell threshold.
If one were to look at the two numerical examples given, one could easily conclude that
neither Kane nor Gutterman use stop loss percentages, but instead use hard numbers.

The Examiner stated that Reference U teaches the step of setting a limit on the maximum

possible loss without setting a limit on the maximum possible gain for an investor. The

Examiner stated that this step is interpreted to include the step of comparing the stop loss

percentage multiplied by the high value to the maximum stop loss amount, and when the stop

loss percentage multiplied by the high value exceeds the maximum stop loss amount, the

maximum stop loss amount is used to generate the sell threshold price. The Applicant does

not interpret Reference U to include a comparing of stop loss percentage and maximum stop

loss amount nor does Reference U refer to generating a sell threshold price. Applicant's

analysis of the Reference U definition is: Reference U states "A complex stop-loss order in

which the stop loss price is set at some fixed percentage below the market price. If the

market rises, the stop loss price rises proportionately, but if the stock price falls, the stop loss

Application Number: 09/774,147
Amendment Dated 6/24/2005
Reply to Office Action of March 25, 2005

price doesn't change. This technique allows an investor to set a limit on the maximum possible loss without setting a limit on the maximum possible gain". Applicant believes that the maximum possible loss referred to in the Reference U statement is a fixed percentage not the fixed (non-percentage) amount "maximum stop loss amount" entered value as mentioned in claims 2 and 8. Claims 2 and 8 use non-percentage and percentage entered amounts as depicted by their usage. By using both a fixed amount entered and a percentage entered, the present invention allows more flexibility for the investor. The steps of entering a maximum stop loss amount into the automated data processing system through the input device, the maximum stop loss amount representing a maximum amount for the security to decrease from the high value at which point the security should be sold; storing the maximum stop loss amount in the memory; comparing the stop loss percentage multiplied by the high value to the maximum stop loss amount, and when the stop loss percentage multiplied by the high value exceeds the maximum stop loss amount the maximum stop loss amount is used to generate the sell threshold price; and calculating the sell threshold price using the maximum stop loss amount by subtracting the maximum stop loss amount from the high value of the security that are listed in claims 2 combined with the steps of entering a name of a security into the automated data processing system through the input device; storing the name of the security in the memory; entering a stop loss percentage for the security into the automated data processing system through the input device; storing the stop loss percentage for the security in the memory; entering a buy price of the security into the automated data processing system through the input device; storing the buy price of the security in the memory as the high value; linking the automated data processing system by a data link to current stock information; reading a market price of the security from the current stock information; comparing the market price of the security to the high value, and when the market price of the security exceeds the high value, setting the high value equal to the market price of the security to generate a new high value; storing the new high value for the security in memory as the high value; multiplying the stop loss percentage by the high value and subtracting the resulting product from the high value to generate a sell threshold price; comparing the sell threshold price to the market price, and executing a sell event when the market price is below the sell threshold price; and repeating the linking step through the comparing the sell threshold price step until the sell event occurs of claim 1 give the investor

the novel ability to use a percentage up to a crossover point when a fixed value would be more beneficial. As the value of the stock increases for the same stop loss percentage, the value of the difference between the high value and the sell threshold price increases. The novelty of the present invention is that the investor can set a maximum value so that the value of the difference of the high value and the sell threshold price do not get larger than the value the investor desires. An example of the usefulness of the present invention is the dot com securities of the 1990s where large gains were followed by large losses. The present method and system would allow the sell threshold price to increase with the market. Originally, a stop loss percentage (10%) would normally be entered by the investor to calculate the sell threshold price ($10 buy price times 10% equals $1). If the investor has also entered a maximum stop loss amount ($20), the value of the loss from high value is limited. As the value of the security increases to $1,000, instead of a sell threshold price of $900 ($1,000 times 10% subtracted from $1,000), the security would automatically be sold at $980 thus limiting the investors risk as the value of the security increases. This can all be done automatically following the precise steps of the present invention after the initial entry of data. Again the Applicant does not agree with the Examiner's assumption that Kane in view of Gutterman in view of Reference U implies a step of comparing the stop loss percentage multiplied by the high value to the maximum stop loss amount, and when the stop loss percentage multiplied by the high value exceeds the maximum stop loss amount, the maximum stop loss amount is used to generate the sell threshold price. This is not believed by the Applicant to be obvious to one having ordinary skill in the art at the time the invention was made. Therefore the Applicant request that the examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding as per 37 CFR 1.104(d)(2). Again, the present invention application was filed over four years ago in a fast moving technology field with many changes since the filing. The Applicant further requests that this evidence take into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure nor be based on reconstruction at the time using improper hindsight reasoning.

Application Number: 09/774,147   Page 24 of 25
Amendment Dated 6/24/2005
Reply to Office Action of March 25, 2005

There is no justification, in Kane, Gutterman, and Reference U, or in any other prior art

separate from Applicants' disclosure, which suggests that these references be combined,

much less be combined in the manner proposed. Even if Kane, Gutterman, and Reference U

were to be combined in the manner proposed, the proposed combination would not show all

the novel physical features of Claims 2 and 8. Neither Kane in view of Gutterman in view of

Reference U should be used here as a basis for an obvious rejection of Claim 2 and 8.

Therefore, Applicant submits that Claims 2 and 8 are allowable over Kane in view of

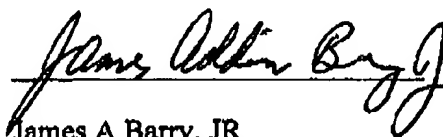Gutterman in view of Reference U and solicits reconsideration and allowance.

Therefore, Applicant submits that Claims 1 and 3-7 are allowable over Kane (US

Patent 6,317,728 BI) in view of Gutterman et al (US Patent 5,297,031) and solicits

reconsideration and allowance. Applicant further submits that Claims 2 and 8 are allowable

over Kane (US Patent 6,317,728 BI) in view of Gutterman et al (US Patent 5,297,031) and

further in view of Reference U and solicits reconsideration and allowance

Inasmuch as this application, as amended, contains five claims and no more than two

independent claims, it is believed that there are no additional fees due at this time. In the

event the undersigned is mistaken, Applicant requests that Examiner call the undersigned at

the phone number below.

In view of the foregoing, it is respectfully submitted that now pending claims 1

through 8 are in allowable condition. Accordingly, early allowance and issuance of this

application is respectfully requested.

To expedite this application in the event the Examiner wishes to discuss any aspect of

this response, please contact the undersigned at the telephone number indicated below.

                                        Respectfully submitted,

                                        James A Barry, JR
                                        Registration No. 44,524
                                        Customer No. 53857

Application Number: 09/774,147
Amendment Dated 6/24/2005
Reply to Office Action of March 25, 2005

<div align="right">Page 25 of 25</div>

Law Office of James Addison Barry, JR
105 Glenway Point
Lebanon, TN 37087
615.444.3568 phone
615.429.0810 cell
j@jbarrylaw.com

Certificate of Facsimile Transmission: I certify that on the date below I will fax this paper to
GAU 3624 of the U.S. Patent and Trademark Office at 703-872-9306.

2005 June 24